

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes since it contained excessive peel and its label failed to bear a statement that it fell below the standard; and, Section 403 (a), the label statement "Hi-Grade" was false and misleading as applied to a product that was below standard.

DISPOSITION: May 16, 1949. W. B. Hestand Grocery Co., Slaton, Tex., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

14797. Misbranding of canned tomatoes. U. S. v. 798 Cases * * *. (F. D. C. No. 26116. Sample No. 23528-K.)

LIBEL FILED: December 13, 1948, Western District of Louisiana.

ALLEGED SHIPMENT: On or about July 26, 1948, by the Brownsboro Canning Co., from Brownsboro, Tex.

PRODUCT: 798 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Shreveport, La.

LABEL, IN PART: (Can) "Santa Rosa Brand Tomatoes * * * Packed by Brownsboro Canning Co., Brownsboro, Texas" or "Red-Ee Brand Tomatoes * * * Packed By Athens Canning Co. Athens, Texas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was substandard in quality because the strength and redness of color of the tomatoes failed to meet the requirements for color prescribed by the regulations and because it contained peel in excess of the maximum permitted by the standard, and its label failed to bear a statement that it fell below the standard.

DISPOSITION: March 1949. The Brownsboro Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

14798. Adulteration of tomato catsup. U. S. v. 85 Cases * * * (and 5 other seizure actions. (F. D. C. Nos. 26474, 26478 to 26480, incl., 26484, 26894. Sample Nos. 7895-K, 20586-K, 25642-K, 25643-K, 46215-K, 46218-K, 46468-K.)

LIBELS FILED: January 26 and 31 and March 24, 1949, Western District of Pennsylvania, District of Nebraska, Southern District of Iowa, and Eastern District of Missouri.

ALLEGED SHIPMENT: Between the approximate dates of October 18, 1948, and January 24, 1949, by the Fettig Canning Corp., Elwood, Ind.

PRODUCT: Tomato Catsup. 85 cases, each containing 24 14-ounce bottles, at Library, Pa.; 22 cases, each containing 6 6-pound, 8-ounce cans, at Omaha, Nebr.; 148 cases, each containing 6 6-pound, 8-ounce cans, and 89 cases, each containing 24 14-ounce bottles, at Des Moines, Iowa; and 450 cases, each containing 24 14-ounce bottle and 124 cases, each containing 6 7-pound cans, at St. Louis, Mo.

LABEL, IN PART: "Mary's Choice [or "Sweet Home Pure" or "Conrad's Darnoc Brand"] Tomato Catsup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: Between February 18 and April 18, 1949. Default decrees of condemnation and destruction.

14799. Adulteration of tomato paste. U. S. v. 1,440 Cases * * *. (F. D. C. No. 17537. Sample No. 59608-H.)

LIBEL FILED: February 25, 1946, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 3, 1945, by the Capolino Packing Corp., from Atwater, Calif.

PRODUCT: 1,440 cases, each containing 96 7-ounce cans, of tomato paste at Pittsburgh, Pa.

LABEL, IN PART: "Tomato Paste Torino Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed the presence of decomposed tomato material.)

DISPOSITION: On July 24, 1947, the J. Ossola Co. having appeared as claimant and denied that the product was adulterated, the matter was tried before the court and a verdict was returned for the Government. On May 18, 1948, the product was condemned and ordered destroyed.

14800. Adulteration and misbranding of tomato puree. U. S. v. 14 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 26256, 26362. Sample Nos. 23332-K, 23937-K.)

LIBELS FILED: January 3, 1949, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about July 26, 1947, and January 2, 1948, by the Uddo & Taormina Co., from Crystal Springs, Miss.

PRODUCT: Tomato puree. 14 cases at Baton Rouge, La., and 51 cases at New Orleans, La. Each case contained 6 10-ounce cans.

LABEL, IN PART: "Baby Brand Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 8.37 percent of salt-free tomato solids had been substituted for tomato puree.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for tomato puree. (The standard provides for a minimum of 8.37 percent of salt-free tomato solids in tomato puree.)

DISPOSITION: February 3, 1949. Default decrees of condemnation and destruction.

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PRODUCTS

	N. J. No.		N. J. No.
Animal feed.....	14776	Catsup, tomato.....	14798
Bakery products.....	¹ 14754-14758,	Cauliflower, frozen.....	14788
	² 14765, 14766	Celery.....	14789, 14790
Beans, green, canned.....	14785, 14786	Cereals and cereal products.....	¹ 14754-14763, ² 14765, 14766
lima, dried.....	14787	Cheese.....	⁵ 14770-14773, ⁶ 14775
Bevco Stabilizer.....	14752, 14753	Cottage, creamed.....	14772, 14773
Beverages and beverage mate- rials.....	³ 14751-14753	Cherries, chocolate-covered.....	14768
Bread.....	14754, 14755	Cherry, wild, Life Savers.....	⁴ 14769
Butter.....	14773	Chocolate and confectionery.....	^{2, 4} 14764-14769
Buttermilk, condensed.....	14776	Cocktail, fruit.....	14780
Candy.....	⁴ 14766-14769		

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